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IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE SEVENTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 16228 of 2003

Between:

1 Veerisetty Koteshwara Rao s/o Ragavaiah
Takkellapadu Village., Peddakakani Mandal.,
Guntur District.
2 Veerisetty Brahmanaiah s/o Venkataramanaiah
3 Nandipati Samba Siva Rao s/o Kusela Ramaiah
4 Chigurupati Samba Siva Rao s/o Nagaiah
5 Karampudi Venkata Rao s/o Veeraiah
6 Amirineni Madhusudhana Rao s/o Srikrishna
7 Moparthi Bapanaiah s/o Laxmikantha Rao

..... PETITIONERS

AND

1 District Collector., Guntur Office at Guntur Town and District.
2 The R.D.O., Guntur Office at Guntur- Town and District.

3 Narayanam Srinivasa Murthy, S/o.Late Satyanarayana Charyulu, 42 years.

4 Vendantha Rama Charyulu, S/o.Late Raghavacharyulu, 55 years.

(Respondent Nos.3 and 4 are Archakas of Sri Seetharama Swamy Temple, Thakkellapadu, PeddaKakani Mandal, Guntur District).

(Respondent Nos.3 and 4 are impleaded as per Court order dated:02-09-2004 in W.P.M.P.No.17225 of 2004).

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to to

issue a Writ order or direction more particularly one in the nature of "Writ of Certiorari" quashing the proceedings RC No.713/2003, G1, dated 18/06/2003, issued by the Ist respondent as illegal, arbitrary, high handed and in violation of Article 14,19 and 21 of the Constitution of India and also violative of Section 4(1) and Appendix-4 of the Land Acquisition Act 1894

Counsel for the Petitioners: MR.UNNAM.MURALIDHAR RAO

Counsel for the Respondents 1 and 2: GP FOR ENDOWMENTS

Counsel for the Respondents 3 and 4: Mr. Koneti Raja Reddy, Advocate.

The Court made the following :

ORDER:-

Heard both the learned counsel and at their request, the writ petition itself is taken up for disposal.

Petitioners herein, claiming to be the cultivating tenants of the land in question, filed this writ petition, inter alia, seeking to assail the proceedings initiated by the respondents herein for providing house sites.

The case of the petitioners is that in view of the provisions of Hindu Charitable Institutions and Endowments Act, 1987, petitioners' claim has to be considered in preference to the others and though the petitioners have already filed a representation dated 18-7-2003, respondents are proceeding with the matter without considering the same.

Having heard the submissions made on either side and on perusal of the material on record, it is seen that admittedly enquiry under Section 5-A of the Land Acquisition Act has not been completed. Having regard to the same, petitioners' objections can form part of the said enquiry. The Land Acquisition Officer can go into the same and pass orders after giving notice and opportunity to the petitioners as well as to other interested persons. I do not find any merit in this writ petition.

Accordingly, the writ petition is dismissed. No costs.

17—09—2004.

Stv/-

Assistant Registrar

// true copy //

Section Officer

To

1.The District Collector, Guntur Office at Guntur town and District.

2.TheR.D.O. Guntur Office at Guntur town and District.

3.2 C.Cs to G.P. for Endowments,High Court buildings,Hyderabad (out)

4.2 C.D.copies